

DATES: Comments must be received on or before September 20, 1996.

ADDRESSES: Comments may be mailed to Mr. Joshua A. Tapp, Environmental Protection Agency, Air Branch, 726 Minnesota Avenue, Kansas City, Kansas 66101.

FOR FURTHER INFORMATION CONTACT: Joshua A. Tapp at (913) 551-7606.

SUPPLEMENTARY INFORMATION: On March 13, 1996, Missouri submitted a request to amend the State Implementation Plan (SIP) to incorporate revisions to the FESOP program which generally affects intermediate sources. These revisions include a provision which delays the permit application deadlines by 10 months for smaller intermediate sources, and a provision which provides general permits for qualifying intermediate sources. Both of these revisions are designed to ease the administrative burden on the state and on intermediate sources without relaxing environmental requirements.

Additional revisions were made in response to comments received during Missouri's rulemaking process. These revisions clarify the meaning of the rule and improve its enforceability. Specifically, these revisions clarify: that public participation requirements are applicable, and that sources are subject to enforcement action if they inappropriately apply for and obtain a general FESOP permit and it is later determined that they do not qualify. The revisions also clarify the meaning of the term "threshold level" by referencing a definition used elsewhere in the Missouri regulations.

Other revisions were contemporaneously made to rule 10 CSR 10-6.065. Most of these changes affect Missouri's basic operating permit program for small sources. This program is not a Federally approved program; therefore, the EPA will not act on these revisions in this action. One revision affects Missouri's Title V operating permit program. This revision will be addressed in a later EPA action.

EPA Action: The EPA is proposing to approve the revisions that pertain to Missouri's FESOP (Intermediate) program because they ease the administrative burden of the program and because the revised program continues to meet the EPA's FESOP criteria contained in the June 28, 1989, Federal Register notice (54 FR 27274). The EPA is not proposing action on the revision to Missouri's Title V operating permit program or the multiple revisions to Missouri's basic permit program.

Nothing in this action should be construed as permitting or allowing or

establishing a precedent for any future request for revision to any SIP. Each request for revision to the SIP shall be considered separately in light of specific technical, economic, and environmental factors, and in relation to relevant statutory and regulatory requirements.

Under the Regulatory Flexibility Act, 5 U.S.C. § 600 et seq., the EPA must prepare a regulatory flexibility analysis assessing the impact of any proposed or final rule on small entities (5 U.S.C. 603 and 604). Alternatively, the EPA may certify that the rule will not have a significant impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and government entities with jurisdiction over populations of less than 50,000.

SIP approvals under section 110 and subchapter I, Part D of the Clean Air Act (CAA) do not create any new requirements, but simply approve requirements that the state is already imposing. Therefore, because the Federal SIP approval does not impose any new requirements, the EPA certifies that it does not have a significant impact on any small entities affected. Moreover, due to the nature of the Federal-state relationship under the CAA, preparation of a regulatory flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The CAA forbids the EPA to base its actions concerning SIPs on such grounds (*Union Electric Co. v. U.S. E.P.A.*, 427 U.S. 246, 256-66 (S.Ct. 1976); 42 U.S.C. 7410(a)(2)).

This action has been classified as a Table 3 action for signature by the Regional Administrator under the procedures published in the Federal Register on January 19, 1989 (54 FR 2214-2225), as revised by a July 10, 1995, memorandum from Mary Nichols, Assistant Administrator for Air and Radiation. The Office of Management and Budget has exempted this regulatory action from E.O. 12866 review.

Unfunded Mandates

Under sections 202, 203, and 205 of the Unfunded Mandates Reform Act of 1995 ("Unfunded Mandates Act"), signed into law on March 22, 1995, the EPA must undertake various actions in association with proposed or final rules that include a Federal mandate that may result in estimated costs of \$100 million or more to the private sector, or to state, local, or tribal governments in the aggregate.

Through submission of this plan revision, the state and any affected local governments have elected to adopt the program provided for under section 110

of the CAA. These rules may bind state and local governments to perform certain actions and also require the private sector to perform certain duties. To the extent that the rules being proposed for approval by this action will impose new requirements, sources are already subject to these regulations under state law. Accordingly, no additional costs to state or local governments, or to the private sector, result from this action. The EPA has also determined that this proposed action does not include a mandate that may result in estimated costs of \$100 million or more to state or local governments in the aggregate or to the private sector. The EPA has determined that these rules result in no additional costs to tribal governments.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Hydrocarbons, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

Authority: 42 U.S.C. 7401-7671q.

Dated: August 8, 1996.

Delores J. Platt,

Acting Regional Administrator.

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BILLING CODE 6560-50-P

40 CFR Part 300

[FRL-5557-1]

National Oil and Hazardous Substance Contingency Pollution Plan; National Priorities List Update

AGENCY: Environmental Protection Agency.

ACTION: Notice of intent to delete the Gold Coast oil site from the National Priorities List (NPL); Request for comments.

SUMMARY: EPA, Region IV, announces its intent to delete the Gold Coast Oil Site (Site) in Miami, Dade County, Florida, from the NPL and requests public comment on this action. The NPL constitutes Appendix B, 40 CFR part 300; the National Oil and Hazardous Substances Pollution Contingency Plan (NCP) promulgated by the United States Environmental Protection Agency (EPA) pursuant to Section 105 of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA), as amended. EPA and the State of Florida (State) have determined that all appropriate response actions under CERCLA have

been implemented by the Potentially Responsible Parties and that no further response actions are needed. Moreover, EPA and the State have determined that the remedial actions conducted at the Site to date have been protective of public health, welfare, and the environment.

DATES: Comments on the proposed deletion from the NPL should be submitted no later than September 20, 1996.

ADDRESSES: Comments may be mailed to Brad Jackson, Remedial Project Manager, South Superfund Remedial Branch, Waste Management Division, EPA, Region IV, 345 Courtland Street, N.E., Atlanta, GA 30365.

Comprehensive information on this Site is available through the EPA, Region IV, public docket located at the regional office. The deletion docket is available for viewing, by appointment, from 9:00 a.m. to 4:00 p.m., Monday through Friday, excluding holidays. Requests for appointments or copies of the background information from the EPA regional office should be directed to Debbie Jourdan, EPA, Region IV, docket office at 345 Courtland Street, N.E., Atlanta, Georgia, 30365. Ms. Jourdan may also be contacted by telephone at (404) 347-5059, extension 6217.

Background information from the regional public docket is also available for viewing at the Site information repository located at Florida International University, University Park Campus Library, Rm. AT-235, Miami, Florida, 33199. Appointments can be scheduled to review the documents locally by contacting the library at (305) 348-2463.

FOR FURTHER INFORMATION CONTACT: Brad Jackson, Remedial Project Manager, EPA, Region IV, 345 Courtland Street, N.E., Atlanta, Georgia, 30365, (404) 347-2643.

SUPPLEMENTARY INFORMATION:

I. Introduction

EPA, Region IV, announces its intent to delete the Gold Coast Oil Site from the NPL (Appendix B of the NCP), and request comments on this proposed deletion. EPA identifies sites that pose a significant threat to public health, welfare, or the environment and maintains an inventory of these sites through the NPL. Sites on the NPL may be the subject of remedial actions financed by the Hazardous Substances Superfund Response Trust Fund (Fund). Pursuant to § 300.66(c)(8) of the NCP, any site deleted from the NPL remains eligible for Fund-financed remedial

actions if new or changing conditions warrant such actions.

EPA will accept comments concerning the proposed deletion of this site from the NPL until September 20, 1996.

II. NPL Deletion Criteria

The NCP establishes the criteria that the Agency uses to delete sites from the NPL. In accordance with 40 CFR 300.425(e), releases may be deleted from the NPL where no further response is appropriate. In making this determination, EPA will consider, in consultation with the State of Florida, whether any of the following criteria are met:

- Responsible or other parties have implemented all appropriate response actions required; or
- All appropriate Fund-financed responses under CERCLA have been implemented and no further cleanup by responsible parties is appropriate; or
- The remedial investigation has shown that the release poses no significant threat to public health, welfare, or the environment and, therefore, undertaking of additional remedial measures is not appropriate.

III. Deletion Procedures

EPA, Region IV, will accept and evaluate public comments before making a final decision to delete this Site from the NPL. Comments from the local community may be the most pertinent to the deletion decision. The following procedures were used for the intended deletion of this Site:

- EPA, Region IV, has recommended deletion and has prepared the relevant documents.
- The State has concurred with the deletion decision.
- Concurrent with this National Notice of Intent to Delete, a local notice has been published in local newspapers and has been distributed to appropriate federal, state, and local officials and other interested parties.
- The Region has made all relevant documents available in the Regional Office and local site information repository.

Deletion of a site from the NPL does not itself, create, alter, or revoke and individual rights or obligations. The NPL is designed primarily for information purposes and to assist Agency management. As mentioned in Section II of this Notice, 40 CFR Section 300.425(e)(3) provides that deletion of a site from the NPL does not preclude eligibility for future Fund-financed response actions.

The comments received during the notice and comment period will be

evaluated before the final decision to delete. The Region will prepare a Responsiveness Summary, if necessary, which will address any comments received during the public comment period.

A deletion occurs when the EPA Regional Administrator publishes a notice in the Federal Register. The NPL will reflect any deletions in the next final update. Public notices and copies of the Responsiveness Summary will be made available to local residents by Region IV.

IV. Basis for Intended Site Deletion

The Gold Coast Oil Site is the former location of an oil reclamation facility that operated over an 11-year period. The Site is approximately two acres in size and is located in a mixed commercial, industrial, and residential area of Miami, Florida. Poor housekeeping practices and improper disposal of wastes resulted in extensive contamination of surface and subsurface soils at levels that posed a threat to human health, welfare and/or the environment. The underlying Biscayne aquifer, a sole source of drinking water for Dade County, was also extensively contaminated at levels in excess of Federal and State Drinking Water Standards. Concern for the potential threat to the public and impact on the local drinking water supply prompted the inclusion of the Site on the National Priorities List (NPL) in September 1983.

Numerous studies were undertaken by EPA and the potentially responsible parties which documented the nature and extent of contamination. The scope and results of these studies was summarized in detail in the Interim Site Close Out Report and in other documents contained in the Site file. Community involvement and the scope of community relation activities were also documented in the Interim Site Close Out Report.

Soil remediation began in March 1989, with the excavation and offsite disposal of 683 tons of contaminated soils and hardened waste sludge. An additional 200 cubic yards of contaminated soil was excavated and removed for offsite disposal in March 1990. As discussed in the Interim Site Close Out Report, sampling and analysis of soil samples verified compliance with the ROD cleanup criteria.

A comprehensive system of groundwater monitoring, recovery, and disposal was implemented in July 1990. Contaminated groundwater was recovered through a series of wells and treated onsite with a dual column air stripping system for the removal of volatile organic compounds. The treated

groundwater was returned to the aquifer through onsite injection wells, upgradient of the recovery system.

Contaminant levels were reduced dramatically within the first year of operation of the system. Several modifications were eventually made to the groundwater recovery system to enhance its effectiveness. A summary of analytical results that document the performance of the remedial system is provided in the Site Close Out Report, February 1996.

EPA, in consultation with the State, concluded that the groundwater recovery system had achieved its goal in significantly reducing contaminant levels within the aquifer, and that continued operation of the recovery system would not provide any further reduction in contaminant levels. The system was deactivated and placed in a monitoring mode on March 15, 1994.

The groundwater recovery and treatment system recovered and treated over 80 million gallons of water. Operation of the system reduced contaminant levels by approximately 99 percent and essentially eliminated the dissolved plume.

Monitoring of the Site during the period May through November 1994, indicated continued compliance with the groundwater performance criteria, with the exception of periodic exceedances of TCE and PCE in the two shallow wells located near the center of the former plume. These periodic exceedances represented very small, isolated, areas of contamination. It was theorized that these exceedances may be the result of residual VOC contamination in soil overlying the groundwater. However, soil gas analysis conducted in proximity to monitoring wells MW-11 and MW-13, in November 1994, did not indicate the presence of any residual contamination in the unsaturated zone.

In a final effort to attain permanent compliance with the performance criteria at monitoring wells MW-11 and MW-13, the soil surrounding the wells was excavated below the water table. The excavations were approximately 15-foot square by 15-foot deep. Although a composite soil sample from each excavated stockpile did not indicate the presence of any TCE or PCE, initial sampling of the groundwater in the pits indicated elevated levels of TCE and PCE. The pits remained open for several months and the water was treated using a portable compressor and air spargers. A summary of the analytical results of the sampling of groundwater from the pits was provided in the Close Out Report, February 1996.

As documented in the Close Out Report, TCE and PCE concentrations decreased with time and stabilized at levels within the performance criteria specified in the ROD. At that time, the groundwater remediation was determined to be complete, and the pits backfilled with clean fill.

Cleanup of the Gold Coast Oil site is complete. Approval of this Close Out Report will serve as certification of completion of all remedial activities at the Gold Coast Oil Site. Based on the success of the remedial action, only one year of post-certification monitoring will be performed. Should the data indicate no significant increase in the contaminant levels relative to the findings of the "clean closure" monitoring, the post-certification monitoring may cease. However, should the post-certification monitoring show significant increases in the contaminant levels relative to the "clean closure" monitoring, EPA may extend the length of the post-certification monitoring. The commitment by the PRPs to perform post-certification monitoring is provided for in the Consent Decree and the plans for monitoring described in a letter from the PRPs consultant to the EPA Remedial Project Manager dated April 17, 1992. Performance of the Post-Certification monitoring, however, does not preclude the deletion of this Site from the NPL.

Removal of all hazardous substances from the Site resulted in unlimited use and unrestricted exposure at the Site. As a result, no institutional controls were necessary at the Site. Since, the long-term groundwater response action was not certified as complete within the time period for the first Five-Year Review, a review was conducted and concluded that the remedy had been effective in attaining the remedial goals and that no further remedial response was necessary.

EPA, in consultation with the State, has determined that all necessary response actions, including final attainment of the groundwater cleanup criteria, have been met as specified in OSWER Directive 9320.2-3A. Specifically, confirmatory sampling has verified that the ROD cleanup objectives for the soil and groundwater have been achieved and the Site is protective of public health, welfare and the environment. These documents are available for review by calling the Regional Office at (404) 347-2643.

Dated: July 22, 1996.

A. Stanley Meiburg,

Acting Regional Administrator, USEPA, Region IV.

[FR Doc. 96-21178 Filed 8-20-96; 8:45 am]

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40 CFR Part 300

[FRL-5556-4]

National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of intent to delete Chemet Company Superfund Site, Fayette County, Tennessee, from the National Priorities List.

SUMMARY: The Environmental Protection Agency (EPA) Region 4 announces its intent to delete the Chemet Company Site from the National Priorities List (NPL) and requests public comment on this proposed action. The NPL constitutes Appendix B of 40 CFR part 300 which is the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), which EPA promulgated pursuant to section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980, as amended. EPA and the State of Tennessee Department of the Environment and Conservation (TDEC) have determined that the Site poses no significant threat to public health or the environment and, therefore, further remedial measures pursuant to CERCLA are not appropriate.

DATES: Comments must be submitted on or before September 20, 1996.

ADDRESSES: Comments may be mailed to: Robert West, U.S. Environmental Protection Agency, Region 4, 345 Courtland Street, N.E., Atlanta, Georgia 30365.

Comprehensive information on this Site is available for viewing through the site information repositories at the following locations: Moscow City Hall, 266 Fourth Street, Moscow, TN, 38057. U.S. EPA Record Center, 345 Courtland St., N.E., Atlanta, GA, 30365.

FOR FURTHER INFORMATION CONTACT: Robert West, U.S. Environmental Protection Agency, 345 Courtland Street, N.E., Atlanta, Georgia, 30365, 404-347-3555 EXT. 2033, or 1-800-435-9233, EXT. 2033.